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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/650,483

08/27/2003

Jo De Buyst

979-030

6154

7590

01/18/2005

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EXAMINER

GUSHI, ROSS N

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,483

Applicant(s)

BUYST ET AL.

Examiner

Ross N. Gushi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/27/07
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 11, 12 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 3, 4, 7, 8 is/are rejected.
- 7) ☐ Claim(s) 9, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,206,024A1 ("De Buyst") in view of Schuyler.

Regarding claims 1, 2, and 4, De Buyst discloses a connector for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws (43, 44) and, at one end at least, extension means (see attachment, in particular, the portion of the connector outward of the screws serves to extend the connector) unitarily constructed with the connector and adapted to cover (i.e. capable of covering) a portion of said insulative jacket of said cable. De Buyst does not

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state the dimensions of the extension portion so it is unknown whether the extension is greater than 10mm. Schuyler discloses a connector where the portion (at 16) of the connector outward of the clamping bolts 15 is relatively elongated. At the time of the invention, it would have been obvious to elongate the extension means of the connector (the distal ends of the connector) as desired, as shown in Schuyler. Claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention. Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of De Buyst extension means as desired to suit cables of various sizes, etc.

Per claim 7, De Buyst discloses a connection between two medium-voltage electrical power cables each including at least one conductor surrounded by insulative jacket, and an insulative sheath adapted to cover intimately at least said connector.

Per claim 8, De Buyst discloses the space between said connector and said insulative jacket of the corresponding cable filled with layer of insulative mastic 51.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ekert in view of De Buyst.

Regarding claims 1, Ekert discloses a connector for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws (which are capable of contacting directly the conductors) and, at one end at

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least, extension means (see figure 2) integrally formed with said connector and adapted to cover a portion of said insulative jacket of said cable. Regarding the particular dimensions and whether the extension is greater than 10 mm, claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention.

Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of Ekert device as desired to suit cables of various sizes, etc. Regarding the limitation that the screws contact the stripped conductor, the examiner points out that the conductors are not positively claimed and therefore the limitation that the screws contact the ends of the conductor is essentially an intended use limitation. The Ekert screws are clearly capable of contacting conductors directly, even if they are shown as contacting the cable insulation. De Buyst discloses the screws contacting the conductor. At the time of the invention, it would have been obvious to use the Ekert device on stripped cable or uninsulated cable as desired, as taught in De Buyst, to electrically splice two cables. No modification to the structure of Ekert is proposed by the examiner.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Buyst as in claim 1 in view of Auclair. De Buyst may not state that the edges of the connector are rounded. Auclair discloses the well known proposition that sharp edges may be rounded to prevent injury or damage to the cable (Auclair col. 2, line 64). At the time of the invention, it would have been obvious to round any sharp edges of the De Buyst device. The suggestion or motivation for doing so would have been to prevent

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injury to one handling the device or damage to the cable, as taught in Auclair and as is well known in the art.

Response to Arguments

Applicant argues that the extension means in De Buyst are the rubber caps. As noted above, the distal portions of the connector are also extension means. Regarding Ekert, applicant argues that the Ekert screws attach to the cable insulation. The examiner points out that the Ekert device is capable of being used in the claimed manner without modification to the device, and it would have been obvious to use the Ekert device as claimed.

Allowable Subject Matter

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons previously indicated.

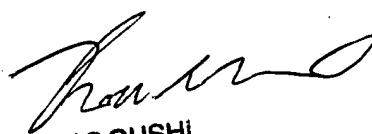
Claims 11, 6 and 12 are allowable. Regarding claim 11, the prior art does not suggest the connector as claimed, including the combination of all the claimed elements, the combination including the recessed notch and the continuous smooth intersection as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's

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supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.



ROSS GUSHI
PRIMARY EXAMINER